

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REVISING PROCEDURAL SCHEDULE
REGARDING THE DA CRS CAP REASSESSMENT**

This ruling revises yet again the schedule previously revised by ruling on February 7, 2003, for proceedings to reassess the cap on the Direct Access Cost Responsibility Surcharge (DA CRS), pursuant to Decision (D.) 02-11-022. These revisions are made in response to a letter from counsel for the California Department of Water Resources (DWR), dated February 26, 2003, indicating that it would not meet the deadline for producing model runs due on February 24, 2003.¹ DWR thus requested an extension to March 3, 2003, to produce its model runs for purposes of the DA CRS cap assessment. DWR requests the extension to provide time to correct a modeling error relating to cost allocations detected in its results.

¹ DWR did produce narrative testimony on February 24, 2003, but without the DA CRS modeling results. Each of the three investor-owned utilities timely served testimony on February 24, 2003, concerning their inputs to the DWR modeling process.

In view of DWR's requested extension, California Large Energy Consumers Association (CLECA) sent a letter requesting that the one-week extension for DWR be mirrored in a corresponding extension of the date for the submission of testimony from interested parties, currently due on March 12, 2003. Thus, CLECA requests an extension to March 19, 2003. Several parties conveyed support for CLECA's request via electronic mail.

The request of DWR for extension to March 3, 2003 to submit its revised model runs is granted. The request of CLECA to extend the due date for interested parties' testimony from March 12 to March 19, 2003, is likewise granted. Related adjustments in the schedule for the prehearing conference (PHC) and evidentiary hearings are also made, as ordered below. The location for the PHC and evidentiary hearings remains unchanged. Parties, and DWR in particular, are reminded that the schedule for this proceeding remains constrained by the requirement in D.02-11-022, to produce a Commission order on the reassessment of the DA CRS caps no later than July 1, 2003.

IT IS RULED that:

1. The request of the California Department of Water Resources (DWR) for an extension until March 3, 2003 to produce Direct Access Cost Responsibility Surcharge (DA CRS) modeling results is granted.
2. The request of California Large Energy Consumers Association for a corresponding extension in interested parties' testimony due date from March 12 to March 19, 2003, is granted.
3. The schedule adopted in the February 7, 2003 ruling for testimony and evidentiary hearings is superseded by the schedule set forth below:

- DWR/Navigant production of its revised base case model and sensitivity runs of DA CRS costs and revenues shall be due on Monday, March 3, 2003.
- Interested parties' testimony, previously due on Wednesday, March 12, 2003, shall be due on Wednesday, March 19, 2003.
- Interested parties' rebuttal testimony, previously due on Thursday, March 20, 2003, shall be due on Wednesday, March 26, 2003.
- The prehearing conference, previously scheduled for Tuesday, March 25, 2003, is rescheduled to 10 a.m., Friday, March 28, 2003, in the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.
- Evidentiary hearings, previously scheduled to begin on Thursday, March 27, 2003, is hereby rescheduled to begin at 9 a.m., Tuesday, April 1, continuing, as necessary, through Friday, April 11, 2003, in the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

4. Parties sponsoring testimony shall advise the Administrative Law Judge by electronic mail no later than March 26, 2003, concerning any scheduling constraints relating to the appearance of any witnesses for oral testimony.

Dated February 28, 2003, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Revising Procedural Schedule Regarding the DA CRS Cap Reassessment on all parties of record in this proceeding or their attorneys of record.

Dated February 28, 2003, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

